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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF DENTISTRY

TIME: 10:39 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

September 9, 2022

State Board of Dentistry
September 9, 2022

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BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
Shawn M. Casey, D.M.D., Chairman
Jennifer Unis Sullivan, D.M.D., J.D., Secretary - Absent
Brice D. Arndt, D.D.S.
Barbara (Bonnie) L. Fowler, Public Member - Absent
Godfrey Joel Funari, M.S., D.M.D.
Theresa A. Groody, DHSc, EFDA, CDA
Alice Hart Hughes, Esquire, Public Member
Joel S. Jaspan, D.D.S.
R. Ivan Lugo, D.M.D., M.B.A.
Andrew S. Matta, D.M.D.
LaJuan M. Mountain, D.M.D.
Donna L. Murray, RDH, PHDHP, MSDH
Amber Sizemore, Esquire, Office of Attorney General
Brian Wyant, Public Health Program Director, Department of Health designee

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
Ronald K. Rouse, Esquire, Board Counsel
Carolyn A. DeLaurentis, Deputy Chief Counsel, Prosecution Division
Paul J. Jarabeck, Esquire, Board Prosecution Liaison
Kayla R. Bolan, Esquire, Board Prosecutor
Amber Lee Czerniakowski, Board Prosecutor
Peter D. Kovach, Esquire, Board Prosecutor
Christina Townley, Board Administrator
Andrew LaFratte, MPA, Executive Policy Specialist, Department of State
Kayla Gruber, Deputy Director of Legislative Affairs, Department of State
Sarah McDonald, Department of State

ALSO PRESENT:

Wesley J. Rish, Esquire, Rish Law Office, LLC
Joan Burke, CDA, EFDA, President, Pennsylvania Dental Assistants Association

State Board of Dentistry
September 9, 2022

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ALSO PRESENT: (cont.)

- Bernardo Ribenboim, Research & Policy Analysis Intern,
Forbes Tate Partners
- Jennifer Smeltz, Republican Executive Director, Senate
Consumer Protection & Professional Licensure
Committee
- Helen Hawkey, Executive Director, Pennsylvania
Coalition for Oral Health
- Mary Ellen Murphy
- Robin Lieberman, Advocacy Senior Director, American
Student Dental Association
- Stephanie Follett MPA, CAE, Director of Strategic
Initiatives, American Student Dental Association
- Beth Brennan, RDH, 30 CPS Dental
- Marisa Swarney, Director, Government Relations,
Pennsylvania Dental Association
- Pamela Tisot, D.M.D., Assistant Professor,
University of Pittsburgh School of Dental Medicine
- Robert Nerone, D.M.D., Vice Chair/Assistant Professor,
University of Pittsburgh School of Dental Medicine
- Dawn Holtsmaster, RDH, PHDHP, Dental Programs
Director, Fortis Institute
- Rachel C.
- Barbara Frieghtrich
- Anne Heart

1 State Board of Dentistry

2 September 9, 2022

3 ***

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
5 9:00 the Board entered into Executive Session with
6 Ronald K. Rouse, Esquire, Board Counsel, to have
7 attorney-client consultations and for the purpose of
8 conducting quasi-judicial deliberations. The Board
9 returned to open session at 10:30 a.m.]

10 ***

11 [Ronald K. Rouse, Esquire, Board Counsel, informed
12 everyone that the meeting of the State Board of
13 Dentistry was being held in a hybrid format of in-
14 person and livestream teleconference pursuant to Act
15 100 of 2021, which requires boards to use a virtual
16 platform to conduct business when a public meeting is
17 held.

18 Mr. Rouse also noted the Board met in Executive
19 Session to have attorney-client consultations and for
20 the purpose of conducting quasi-judicial
21 deliberations.]

22 ***

23 The regularly scheduled meeting of the State
24 Board of Dentistry was held on Friday, September 9,
25 2022. Shawn M. Casey, D.M.D., Chairman, called the

1 meeting to order at 10:39 a.m.

2 ***

3 Roll Call of Board Members

4 [Chairman Casey requested a roll call of Board
5 members.]

6 ***

7 Introduction of Attendees

8 [Chairman Casey requested an introduction of
9 attendees.]

10 ***

11 Approval of minutes of the July 15, 2022 meeting

12 CHAIRMAN CASEY:

13 Has everyone had a chance to look over
14 the minutes from the last meeting? Are
15 there any corrections or changes you
16 would like to make?

17 At this time, I so move that the
18 minutes be accepted.

19 Do I have a first?

20 DR. JASPAN:

21 So moved.

22 CHAIRMAN CASEY:

23 Second?

24 MS. MURRAY:

25 Second.

1 MR. ROUSE:

2 Christina, call the roll, please.

3

4 Claggett, aye; Casey, aye; Arndt, aye;

5 Funari, aye; Groody, aye; Hughes,

6 abstain; Jaspán, aye; Matta, aye;

7 Mountain, aye; Murray, aye; Sizemore,

8 aye; Wyant, abstain.

9 [The motion carried. Alice Hart Hughes and Brian
10 Wyant abstained from voting on the motion.]

11 ***

12 Report of Prosecutorial Division

13 [Kayla R. Bolan, Esquire, Board Prosecutor, presented
14 the Consent Agreement for Case No. 21-46-008332.

15 Mr. Rouse noted the Board would need to table the
16 consent agreement until the Board had the actual
17 document prosecution presented because the Board
18 reviewed a different document.]

19 ***

20 [Ronald K. Rouse, Esquire, Board Counsel, informed
21 Board members that information was received yesterday
22 from Attorney Julia Feld-Caralle that Case No. 17-46-
23 01134 would be withdrawn and removed from the agenda.]

24 ***

25 [Andrew S. Matta, D.M.D.; Alice Hart Hughes, Esquire,

1 Public Member; and Amber Sizemore, Esquire, Office of
2 Attorney General, exited the meeting at 10:51 a.m. for
3 recusal purposes.]

4

5 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
6 on behalf of Timothy J. Henderson, Esquire, Board
7 Prosecutor, presented the Consent Agreement for Case
8 No. 21-46-003960.]

9 MR. ROUSE:

10 Chairman Casey, regarding the Consent
11 Agreement at item 4 on the agenda at
12 Case No. 21-46-003960, I do believe that
13 the Board would entertain a motion to
14 adopt this consent agreement.

15 Are you going to ask for the
16 motion?

17 CHAIRMAN CASEY:

18 Yes. Do I have a motion to accept the
19 agreement?

20 DR. JASPAN:

21 So moved.

22 CHAIRMAN CASEY:

23 Second?

24 MS. MURRAY:

25 Second.

1 CHAIRMAN CASEY:

2 Roll call, please.

3

4 Claggett, aye; Casey, aye; Arndt, aye;

5 Funari, aye; Groody, aye; Hughes,

6 recuse; Jaspan, aye; Matta, recuse;

7 Mountain, aye; Murray, aye; Sizemore,

8 recuse; Wyant, aye.

9 [The motion carried. Andrew Matta, Alice Hart Hughes,
10 and Amber Sizemore recused themselves from
11 deliberations and voting on the motion. This is the
12 matter of BPOA v. Coryvette Olivo, EFDA, at Case No.
13 21-46-003960.]

14

15 [Andrew S. Matta, D.M.D.; Alice Hart Hughes, Esquire,
16 Public Member; and Amber Sizemore, Esquire, Office of
17 Attorney General, reentered the meeting at 10:58 a.m.]

18

19 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
20 presented the Consent Agreement for Case Nos. 18-46-
21 000058 & 22-46-011578.]

22 MR. ROUSE:

23 Chairman Casey, regarding the Consent
24 Agreement at item 5 on the agenda at
25 Case Nos. 18-46-000058 & 22-46-011578,

1 do you think the Board would entertain a
2 motion to adopt this Consent Agreement?

3 CHAIRMAN CASEY:

4 Yes. Do we have a motion?

5 DR. JASPAN:

6 So moved.

7 CHAIRMAN CASEY:

8 Second?

9 MS. MURRAY:

10 Second.

11 CHAIRMAN CASEY:

12 Roll call, please.

13

14 Claggett, aye; Casey, aye; Arndt, aye;
15 Funari, aye; Groody, aye; Hughes, aye;
16 Jaspan, aye; Matta, aye; Mountain, aye;
17 Murray, aye; Sizemore, aye; Wyant, aye.

18 [The motion carried unanimously. This is the matter
19 of BPOA v. Scott Miller Parkinson, D.M.D., at Case
20 Nos. 18-46-000058 & 22-46-011578.]

21

22 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
23 presented the Consent Agreement for Case No. 19-46-
24 002102.]

25 MR. ROUSE:

1 Regarding the Consent Agreement at item
2 6 on the agenda at Case No. 19-46-
3 002102, Dr. Casey, do you think there is
4 a motion to reject this Consent
5 Agreement?

6 CHAIRMAN CASEY:

7 Yes. Do I have a motion?

8 DR. JASPAN:

9 So moved.

10 CHAIRMAN CASEY:

11 Do I have a second?

12 MS. MURRAY:

13 Second.

14 CHAIRMAN CASEY:

15 Roll call, please.

16
17 Claggett, aye; Casey, aye; Arndt, aye;
18 Funari, aye; Groody, aye; Hughes,
19 abstain; Jaspán, aye; Matta, aye;
20 Mountain, aye; Murray, aye; Sizemore,
21 aye; Wyant, aye.

22 [The motion carried. Alice Hart Hughes abstained from
23 voting on the motion.]

24 ***

25 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,

1 presented the Consent Agreement for Case No. 20-46-
2 010929.

3 Dr. Funari commented that the presence of
4 pornographic material on their office computer raises
5 the question as to whether or not they are following
6 federal guidelines on protected health information and
7 whether it would be appropriate for remedial education
8 on what is required to meet federal guidelines on
9 protecting health information of patients.

10 Ms. Hughes asked whether the Bureau of
11 Enforcement and Investigation (BEI) make any
12 determination about concern for the privacy of
13 protected information in this kind of case where
14 office computers are being used for nefarious
15 activity.

16 Mr. Jarabeck explained that prosecution does not
17 have access to patient records unless they have a
18 patient release or court order. He noted that records
19 could be stored on one individual computer or by
20 different methods. Prosecution and BEI does not have
21 the ability to ask how their record storage works.

22 Ms. Hughes commented that they are in an emerging
23 area of litigation and potential ethics violations
24 regarding how they maintain the privacy of clients in
25 the instance of Board members and the individuals they

1 oversee. She mentioned that the Board may want to
2 discuss and plan for potential regulatory changes that
3 might be coming in the future.

4 Dr. Lugo noted it might be a good idea to revise
5 and update regulations now that there is
6 digitalization and federal requirements and guidelines
7 for keeping records private.

8 Ms. Sizemore commented that the United States
9 Department of Health and Human Services Office for
10 Civil Rights is the primary enforcement entity for
11 concerns about privacy and proper security of
12 electronic records. She also noted the Pennsylvania
13 Office of Attorney General has enforcement authority
14 under statutes and regulations, and the prosecution
15 division is free to make those referrals as they would
16 deem appropriate.

17 Dr. Funari stated the original complaint related
18 to pornography visible on the computer and did not
19 involve infection control, but because the initial
20 complaint was being investigated, violations of
21 federal infection control regulations were found.

22 Dr. Funari mentioned that one of the primary
23 tenets of Health Insurance Portability Accountability
24 Act (HIPAA) is that private patient information is not
25 visible to third parties. He noted the screen was

1 readily visible to anybody walking in seeking
2 treatment and could have been visible if there was
3 patient information on the screen also. He stated the
4 illicit material should have prompted questions as to
5 properly maintaining patient privacy within their
6 practice.]

7 MR. ROUSE:

8 At item 7 on the agenda at Case No. 20-
9 46-010929, Chairman Casey, do you
10 believe the Board would entertain a
11 motion to reject the Consent Agreement?

12 CHAIRMAN CASEY:

13 Yes. Do I have a motion, please?

14 DR. JASPAN:

15 So moved.

16 CHAIRMAN CASEY:

17 Second, please?

18 MS. MURRAY:

19 Second.

20 CHAIRMAN CASEY:

21 Roll call.

22

23 Claggett, aye; Casey, aye; Arndt, aye;

24 Funari, aye; Groody, aye; Hughes, nay;

25 Jaspan, aye; Matta, aye; Mountain, aye;

1 Murray, aye; Sizemore, aye; Wyant, aye.
2 [The motion carried. Alice Hart Hughes opposed the
3 motion.]

4 ***
5 [Shawn M. Casey, D.M.D., Chairman, exited the meeting
6 at 11:26 a.m. for recusal purposes.]

7 ***
8 [Peter D. Kovach, Esquire, Senior Prosecutor in
9 Charge, presented the Consent Agreement for Case No.
10 20-46-001366.]

11 MR. ROUSE:

12 Regarding the Consent Agreement at item
13 8 on the agenda at Case No. 20-46-
14 001366, I believe the Board would
15 entertain a motion to adopt the Consent
16 Agreement.

17 Is there such a motion?

18 DR. JASPAN:

19 So moved.

20 MR. ROUSE:

21 Is there a second?

22 MS. MURRAY:

23 Second.

24 CHAIRMAN CASEY:

25 Any discussion? Roll call, please.

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Claggett, aye; Casey, recuse; Arndt, aye; Funari, aye; Groody, aye; Hughes, aye; Jaspan, aye; Matta, aye; Mountain, aye; Murray, aye; Sizemore, aye; Wyant, aye.

[The motion carried. Shawn Casey recused himself from deliberations and voting on the motion. This is the matter of BPOA v. Darrin M. Wiederhold, D.D.S., at Case No. 20-46-001366.]

[Shawn M. Casey, D.M.D., Chairman, reentered the meeting at 11:31 a.m.]

Report of Board Counsel - Final Adjudications and Orders

MR. ROUSE:

Item 15 on the agenda, which is the Final Adjudication and Order in the matter of BPOA v. Daniel J. Breuer, Case No. 19-46-017860.

Regarding that matter, Chairman Casey, do you believe the Board would entertain a motion to adopt the Adjudication and Order as presented by

1 Board Counsel and to direct Board
2 Counsel to prepare the Board's Final
3 Order?

4
5 CHAIRMAN CASEY:

6 Yes. Do I have a motion, please?

7 DR. JASPAN:

8 So moved.

9 CHAIRMAN CASEY:

10 Do I have a second?

11 MS. MURRAY:

12 Second.

13 CHAIRMAN CASEY:

14 Roll call, please.

15

16 Claggett, aye; Casey, aye; Arndt, aye;
17 Funari, aye; Groody, aye; Hughes, aye;
18 Jaspán, aye; Matta, aye; Mountain, aye;
19 Murray, aye; Sizemore, aye; Wyant, aye.

20 [The motion carried unanimously.]

21

22 MR. ROUSE:

23 Item 16 on the agenda, which is the
24 Final Adjudication and Order in the
25 matter of BPOA v. Joseph Ciampa, Case

1 No. 19-46-009044.

2 Chairman Casey, do you believe the
3 Board would entertain a motion to adopt
4 the Adjudication and Order as presented
5 by Board Counsel and to direct Board
6 Counsel to prepare the Board's Final
7 Order?

8 CHAIRMAN CASEY:

9 Yes. Do I have a motion, please?

10 DR. JASPAN:

11 So moved.

12 CHAIRMAN CASEY:

13 Do I have a second?

14 MS. MURRAY:

15 Second.

16 CHAIRMAN CASEY:

17 Roll call, please.

18
19 Claggett, aye; Casey, aye; Arndt, aye;
20 Funari, aye; Groody, aye; Hughes, aye;
21 Jaspan, aye; Matta, aye; Mountain, aye;
22 Murray, aye; Sizemore, aye; Wyant, aye.

23 [The motion carried unanimously.]

24 ***

25 [Alice Hart Hughes, Esquire, Public Member, thanked

1 Mr. Rouse for his drafting of the Final Adjudication
2 and Order (A&O) with particular attention to his
3 language regarding Act 53 and the idea of the moral
4 turpitude, where how people behave in their day-to-day
5 lives is still a factor in their ability to serve in
6 the commonwealth and provide services to their
7 residents.]

8

9 MR. ROUSE:

10 Item 17 on the agenda, which is the
11 Final Adjudication and Order in the
12 matter of BPOA v. Rashan Mosley, Case
13 No. 21-46-018756.

14 Regarding that matter, Chairman
15 Casey, do you believe that the Board
16 would entertain a motion to adopt the
17 Adjudication and Order as presented by
18 Board Counsel and to direct Board
19 Counsel to prepare the Board's Final
20 Order?

21 CHAIRMAN CASEY:

22 Yes. Do I have a motion, please?

23 DR. JASPAN:

24 So moved.

25 CHAIRMAN CASEY:

1 Second, please?

2 MS. MURRAY:

3 Second.

4 CHAIRMAN CASEY:

5 Roll call.

6

7 Claggett, aye; Casey, aye; Arndt, aye;
8 Funari, aye; Groody, aye; Hughes, aye;
9 Jaspan, aye; Matta, aye; Mountain, aye;
10 Murray, aye; Sizemore, aye; Wyant, aye.

11 [The motion carried unanimously.]

12

13 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
14 11:36 a.m. the Board entered into Executive Session
15 with Ronald K. Rouse, Esquire, Board Counsel, to have
16 attorney-client consultations and for the purpose of
17 conducting quasi-judicial deliberations. The Board
18 returned to open session at 1:32 p.m.]

19

20 MOTIONS

21 Report of Board Counsel - Motion to Enter Default and
22 Deem Facts Admitted

23 MR. ROUSE:

24 Pursuant to Section 708(a)(5) of the
25 Sunshine Act, the Board is returning

1 from Executive Session with Board
2 Counsel, where the Board had attorney-
3 client consultations and conducted
4 quasi-judicial deliberations.

5 At this time, we are going to
6 agenda item 11 on the agenda. I believe
7 we have three recusals on this matter,
8 Attorney Alice Hughes, Dr. Mountain, and
9 Attorney Sizemore. They all are off
10 right now.

11 Number 11 is a Motion to Deem Facts
12 Admitted in the matter of BPOA v. F.
13 James Garrett Jr., Case No. 22-46-
14 005863. Regarding this matter, Dr.
15 Casey, do you believe the Board would
16 entertain a motion to grant the Motion
17 to Deem Facts Admitted and to direct
18 Board Counsel to prepare the
19 Adjudication and Order in accordance
20 with the discussion in Executive
21 Session?

22 CHAIRMAN CASEY:

23 Yes. Do I please have a motion?

24 DR. JASPAN:

25 So moved.

1 CHAIRMAN CASEY:

2 Do I have a second?

3 MS. MURRAY:

4 Second.

5 CHAIRMAN CASEY:

6 Call the roll call, please.

7

8 Claggett, aye; Casey, aye; Arndt, aye;

9 Funari, aye; Groody, aye; Hughes,

10 recuse; Jaspan, aye; Matta, recuse;

11 Mountain, recuse; Murray, aye; Sizemore,

12 recuse; Wyant, aye.

13 [The motion carried. Alice Hart Hughes, LaJuan

14 Mountain, Amber Sizemore, and Andrew Matta recused

15 themselves from deliberations and voting on the

16 motion.]

17

18 Report of Board Counsel - Proposed Adjudications and

19 Orders

20 MR. ROUSE:

21 Item 12 on the agenda is the Proposed

22 Adjudication and Order in the matter of

23 Amaris Ramirez, Case No. 22-46-00964.

24 Regarding this Proposed

25 Adjudication and Order, chairman, do you

1 believe the Board would entertain a
2 motion to direct Board Counsel to
3 prepare a Final Adjudication and Order
4 consistent with the discussion in
5 Executive Session?

6 CHAIRMAN CASEY:

7 Yes. At this time, I'd like to
8 entertain a motion.

9 DR. JASPAN:

10 So moved.

11 CHAIRMAN CASEY:

12 Second?

13 MS. MURRAY:

14 Second.

15 CHAIRMAN CASEY:

16 Call the question.

17

18 Claggett, aye; Casey, aye; Arndt, aye;
19 Funari, aye; Groody, aye; Hughes, aye;
20 Jaspan, aye; Matta, recuse; Mountain,
21 aye; Murray, aye; Sizemore, aye; Wyant,
22 aye.

23 [The motion carried. Andrew S. Matter recused himself
24 from deliberations and voting on the motion.]

25

1 MR. ROUSE:

2 Item 13 and 14. We have three recusals,
3 Dr. Matta, Dr. Arndt, and Attorney Alice
4 Hughes.

5 Item 13 on the agenda, the Proposed
6 Adjudication and Order of Stephen E.
7 Sulzbach, Case No. 16-46-02754.

8 Chairman Casey, regarding this
9 matter, do you believe the Board would
10 entertain a motion to direct Board
11 Counsel to prepare a Final Adjudication
12 and Order consistent with the discussion
13 in Executive Session?

14 CHAIRMAN CASEY:

15 Yes. Could I please have a motion?

16 DR. JASPAN:

17 So moved on item 13.

18 CHAIRMAN CASEY:

19 Do I have a second?

20 MS. MURRAY:

21 Second.

22 CHAIRMAN CASEY:

23 Call the question, please.

24

25 Claggett, aye; Casey, aye; Arndt,

1 recuse; Funari, aye; Groody, aye;
2 Hughes, recuse; Jaspan, aye; Matta,
3 recuse; Mountain, aye; Murray, aye;
4 Sizemore, aye; Wyant, aye.

5 [The motion carried. Andrew Matta, Brice Arndt, and
6 Alice Hart Hughes recused themselves from
7 deliberations and voting on the motion.]

8 ***

9 MR. ROUSE:

10 Item 14. The same people are recused
11 that were recused in the last matter.
12 This is the Proposed Adjudication and
13 Order of Stephen E. Sulzbach, Case No.
14 16-46-14916.

15 Chairman Casey, do you believe the
16 Board would entertain a motion to direct
17 Board Counsel to prepare a Final
18 Adjudication and Order consistent with
19 the discussion in Executive Session for
20 this matter?

21 CHAIRMAN CASEY:

22 Yes. Could I please have a motion?

23 DR. JASPAN:

24 So moved.

25 CHAIRMAN CASEY:

1 Second?

2 MS. MURRAY:

3 Second.

4 CHAIRMAN CASEY:

5 Roll call, please.

6

7 Claggett, aye; Casey, aye; Arndt,
8 recuse; Funari, aye; Groody, aye;
9 Hughes, recuse; Jaspán, aye; Matta,
10 recuse; Mountain, aye; Murray, aye;
11 Sizemore, aye; Wyant, aye.

12 [The motion carried. Andrew Matta, Brice Arndt, and
13 Alice Hart Hughes recused themselves from
14 deliberations and voting on the motion.]

15 ***

16 Report of Board Chairperson

17 [Shawn M. Casey, D.M.D., Chairman, congratulated
18 Theresa Groody on receiving her doctorate.

19 Chairman Casey reported having multiple committee
20 meetings with a lot of discussion and input since the
21 last meeting.]

22 ***

23 Report of Acting Commissioner - No Report

24 ***

25 Report of Board Administrator - No Report

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Report of Committees - Legislation and Regulatory
Committee

[Brice D. Arndt, D.D.S., noted a Legislation and
Regulatory Committee Meeting was held on August 26,
2022.

Mr. Rouse informed everyone that the committee
reviewed a number of regulations to get the Board up
to speed.

Dr. Arndt addressed areas discussed, including
anesthesia regulation updates introduced in 2017,
noting they are in the process of continuing to get
new draft language, which would be reviewed by the
committee and Board Counsel prior to the November
meeting of the State Board of Dentistry. He noted
that an exposure draft would be presented upon
approval by the committee to the full Board as well as
at the November meeting.

Dr. Arndt referred to the policy statement on the
use of botulinum toxin and dermal fillers introduced
in 2015, noting the Legislation and Regulatory
Committee would be receiving regular updates from Dr.
Funari and Dr. Sullivan for duplication of the same
efforts and to guide the language to update the policy
position.

1 Dr. Arndt stated the committee reviewed mobile
2 vans introduced in 2014 and would be requesting Dr.
3 Mountain join them at their next discussion to be able
4 to present further information in November.

5 Dr. Arndt noted the committee is also looking at
6 civil penalties introduced in 2015, where the
7 committee discussed the need for consistency with
8 other regulation updates being contemplated or
9 recommended. He mentioned the next step would be for
10 Board Counsel to draft updates consistent with current
11 requirements and refer back to the committee for
12 review. He stated the committee would then review
13 proposed revisions prior to the November 2022 meeting
14 and present those to the full Board in November 2022
15 if approved.

16 Dr. Arndt addressed general revisions introduced
17 in 2020. He noted the committee agreed to retain the
18 general revisions package language requiring clinical
19 examinations for expanded function dental assistant
20 (EFDA) certification and the committee agreed to table
21 discussion of the recommendations of the EFDA
22 Committee until Chair Groody is in attendance.

23 Dr. Arndt informed everyone that the next
24 Legislation and Regulatory Committee Meeting is
25 scheduled for September 26, 2022.

1 Mr. Rouse referred to Regulation 16A-4630
2 regarding schedule of civil penalties, noting a copy
3 was provided to all Board members for review at the
4 committee meeting on August 26, 2022, and no changes
5 were made at that time.

6 Mr. Rouse addressed the annex for Regulation 16A-
7 4630 regarding the schedule of civil penalties. He
8 noted prior Board discussion many years ago and
9 committee discussion on August 26, 2022, where the
10 committee discussed civil penalties for failure to
11 maintain current cardiopulmonary resuscitation (CPR)
12 certification and recommended a civil penalty of \$100
13 for a first offense if corrected within 60 days and
14 formal action for second or subsequent offenses.

15 Mr. Rouse noted practicing on a lapsed license or
16 certificate for a first offense of a dentist would be
17 \$200 per month but not to exceed \$1000 and formal
18 action over 12 months; dental hygienists, \$100 per
19 month and not to exceed \$1000 and formal action over
20 12 months; expanded function dental assistants, \$50
21 per month and formal action over 12 months and for a
22 second or subsequent offense.

23 Mr. Rouse noted the civil penalty for a dental
24 hygienist administering local anesthesia without the
25 current permit would be \$100 per month but not to

1 exceed \$1,000, formal action over 12 months, and
2 formal action for second or subsequent offenses.

3 Mr. Rouse noted dental hygienists practicing as a
4 public health dental hygiene practitioner without a
5 current certificate would be a civil penalty of \$100
6 per month not to exceed \$1,000, and formal action over
7 12 months and for second or subsequent offenses.

8 Mr. Rouse noted a dentist administering or
9 supervising the administration of general anesthesia
10 of nitrous oxide-oxygen analgesia without a current
11 permit would be subject to a civil penalty of \$200 per
12 month not to exceed \$1,000 and formal action over 12
13 months and for second or subsequent offenses.

14 Mr. Rouse noted failure of an unrestricted permit
15 holder to possess current certification in advanced
16 cardiovascular life support (ACLS) for adult patients
17 or pediatric advanced life support (PALS) for
18 pediatric patients would be \$100 for the first offense
19 if corrected within 60 days and formal action for
20 second or subsequent offenses.

21 Mr. Rouse noted failure of restricted I permit
22 holder to possess current certification in advanced
23 cardiovascular life support (ACLS) for adult patients
24 or pediatric advanced life support (PALS) for
25 pediatric patients would be \$100 for the first offense

1 if corrected within 60 days and formal action for
2 second or subsequent offenses.

3 Mr. Rouse noted failure to complete required
4 continuing education during the preceding biennial
5 renewal period would be \$50 per credit hour of
6 deficiency if corrected within six months but not to
7 exceed \$1,000 and formal action for second or
8 subsequent offenses.

9 Dr. Jaspán commented that the deficiency on the
10 continuing education (CE) credits seems steep compared
11 to some of the more serious ones.]

12 MR. ROUSE:

13 Would the Board entertain a motion to
14 release the annex as an exposure draft
15 to the stakeholders?

16 CHAIRMAN CASEY:

17 Do I have a motion?

18 DR. JASPAN:

19 So moved.

20 CHAIRMAN CASEY:

21 Second?

22 MS. MURRAY:

23 Second.

24 CHAIRMAN CASEY:

25 Roll call, please.

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Claggett, aye; Casey, aye; Arndt, aye;
Funari, aye; Groody, aye; Hughes, aye;
Jaspan, aye; Matta, aye; Mountain, aye;
Murray, aye; Sizemore, aye; Wyant, aye.

[The motion carried unanimously.]

[Ronald K. Rouse, Esquire, Board Counsel, referred to
item 9 on the agenda, noting that Dr. Arndt addressed
the status when he provided the Legislative and
Regulatory Committee Report.]

Report of Committees - Accreditation and Licensing
Committee - No Report

Report of Committees - Probable Cause Screening
Committee

[Amber Sizemore, Esquire, Office of Attorney General,
considered two matters since the Board's last
meeting.]

Report of Committees - Scope of Traditional and
Emerging Practice Committee - No Report

Review of Applications

1 MR. ROUSE:

2 Item 19 is an Application for Elizabeth
3 Benfante for an EFDA.

4 Regarding the Application of
5 Elizabeth Benfante at item 19, chairman,
6 do you believe the Board would entertain
7 a motion to provisionally deny the
8 Application for Licensure as an EFDA by
9 Endorsement?

10 CHAIRMAN CASEY:

11 Yes. Do I have a motion?

12 DR. JASPAN:

13 So moved.

14 CHAIRMAN CASEY:

15 Second?

16 MS. MURRAY:

17 Second.

18 CHAIRMAN CASEY:

19 Roll call, please.

20
21 Claggett, aye; Casey, aye; Arndt, aye;
22 Funari, aye; Groody, aye; Hughes, aye;
23 Jaspan, aye; Matta, aye; Mountain, aye;
24 Murray, aye; Sizemore, aye; Wyant, aye.

25 [The motion carried unanimously.]

1 ***

2 MR. ROUSE:

3 Item 20 on the agenda is for Kaitlin
4 Katsura. This is an Application for
5 Licensure by Endorsement or Act 41 as a
6 dentist.

7 Chairman, for this Application for
8 Kaitlin Katsura, do you believe the
9 Board would entertain a motion to grant
10 the Application for Licensure as a
11 Dentist by Endorsement?

12 CHAIRMAN CASEY:

13 Yes. Do I have a motion, please?

14 DR. JASPAN:

15 So moved.

16 CHAIRMAN CASEY:

17 Second?

18 MS. MURRAY:

19 Second.

20 CHAIRMAN CASEY:

21 Roll call, please.

22
23 Claggett, aye; Casey, aye; Arndt, aye;
24 Funari, aye; Groody, aye; Hughes, aye;
25 Jaspan, aye; Matta, aye; Mountain, aye;

1 Murray, aye; Sizemore, aye; Wyant, aye.

2 [The motion carried unanimously.]

3 ***

4 Correspondence

5 CHAIRMAN CASEY:

6 Number 21 is the site visit for Thomas
7 Jefferson University Hospital in
8 Philadelphia on September 29, 2022.

9 I would like to make a motion that
10 Dr. Ivan Lugo and Dr. Joel Jaspan were
11 nominated to attend on behalf of the
12 Board.

13 MS. MURRAY:

14 So moved.

15 CHAIRMAN CASEY:

16 Do I have a second?

17 DR. MOUNTAIN:

18 Second.

19 CHAIRMAN CASEY:

20 Roll call, please.

21

22 Claggett, aye; Casey, aye; Arndt, aye;
23 Funari, aye; Groody, aye; Hughes, aye;
24 Jaspan, abstain; Matta, aye; Mountain,
25 aye; Murray, aye; Sizemore, aye; Wyant,

1 aye.

2 [The motion carried. Joel Jaspan abstained from
3 voting on the motion.]

4 ***

5 For the Board's Information/Discussion

6 [Shawn M. Casey, D.M.D., Chairman, referred to the
7 manikin examination for dentists and dental hygienists
8 regarding the American Board of Dental Examiners
9 (ADEX)/Commission on Dental Competency Assessments
10 (CDCA)-Western Regional Examining Board (WREB)-
11 Council of Interstate Testing Agencies (CITA), Central
12 Regional Dental Testing Service (CRDTS), and Southern
13 Regional Testing Agency (SRTA).

14 Ronald K. Rouse, Esquire, Board Counsel, noted
15 prior Board discussion and presentations concerning
16 manikin examinations. He mentioned that manikins had
17 been utilized during the pandemic as part of the
18 examination for dentists and dental hygienists and
19 would be accepted until December 31, 2022. He noted
20 the need for discussion and a vote on whether to
21 continue to accept the manikin exam for dentists and
22 dental hygienists for the ADEX/CDCA-WREB-CITA, CRDTS,
23 and SRTA.

24 Dr. Lugo reminded Board members that the three
25 organizations were not bound together in the beginning

1 as they are today and noted moving along the way
2 nationally toward one exam portability and having one
3 manikin exam. He stated the ADEX is now nationally
4 the most accepted and the standard because it is now
5 universally accepted.

6 Ms. Murray noted the CDCA has been very
7 forthcoming providing information and commented that
8 40 states now have simulated dental hygiene patient
9 exams.

10 Dr. Jaspan stated the manikin and live patient
11 are very equivalent, and the manikin does a good job
12 mimicking the gingiva as well as the calculus.

13 Robert Nerone, D.M.D., Vice Chair/Assistant
14 Professor, University of Pittsburgh School of Dental
15 Medicine, commented that from a test standpoint, the
16 teeth are very well made, and it would lower the
17 instances of patients not showing up for students
18 during exams.]

19 MR. ROUSE:

20 Chairman, do you believe that the Board
21 would entertain a motion to approve the
22 use of the manikin exam for dentists and
23 dental hygienists for the ADEX/CDCA-
24 WREB-CITA?

25 CHAIRMAN CASEY:

1 Yes. I would like to make a motion.

2 DR. JASPAN:

3 So moved.

4 CHAIRMAN CASEY:

5 Second?

6 MS. MURRAY:

7 Second.

8 CHAIRMAN CASEY:

9 Roll call, please.

10

11 Claggett, aye; Casey, aye; Arndt, aye;

12 Funari, aye; Groody, aye; Hughes, aye;

13 Jaspán, aye; Matta, aye; Mountain, aye;

14 Murray, aye; Sizemore, aye; Wyant, aye.

15 [The motion carried unanimously.]

16

17 MR. ROUSE:

18 Chairman Casey, do you believe the Board

19 would entertain a motion to accept the

20 manikin examination for dentists and

21 dental hygienists for CRDTS?

22 CHAIRMAN CASEY:

23 Yes, I do. Could I have a motion,

24 please?

25 DR. JASPAN:

1 So moved.

2 CHAIRMAN CASEY:

3 Second?

4 MS. MURRAY:

5 Second.

6 CHAIRMAN CASEY:

7 Roll call, please.

8

9 Claggett, aye; Casey, aye; Arndt, aye;

10 Funari, aye; Groody, nay; Hughes, aye;

11 Jaspan, aye; Matta, aye; Mountain, aye;

12 Murray, aye; Sizemore, aye; Wyant, aye.

13 [The motion carried. Theresa Groody opposed the
14 motion.]

15 ***

16 MR. ROUSE:

17 Chairman Casey, do you believe the Board
18 would entertain a motion to accept the
19 manikin examination for dentists and
20 dental hygienists for SRТА?

21 CHAIRMAN CASEY:

22 Yes, I would. Could I have a motion,
23 please?

24 DR. JASPAN:

25 So moved.

1 CHAIRMAN CASEY:

2 Second?

3 MS. MURRAY:

4 Second.

5 CHAIRMAN CASEY:

6 Roll call, please.

7

8 Claggett, aye; Casey, aye; Arndt, aye;

9 Funari, aye; Groody, nay; Hughes, aye;

10 Jaspan, aye; Matta, aye; Mountain, aye;

11 Murray, aye; Sizemore, aye; Wyant, aye.

12 [The motion carried. Theresa Groody opposed the
13 motion.]

14

15 For the Board's Information/Discussion - Election of
16 Officers

17 [Ronald K. Rouse, Esquire, Board Counsel, informed
18 everyone that Chairman Casey's term as a Board member
19 would end next week. He stated the paperwork had been
20 sent in for him to continue but never went before the
21 Senate for a vote, which opens the chairperson
22 position.]

23 MR. ROUSE:

24 Is there a nomination for an interim
25 chairperson?

1 MS. HUGHES:

2 I nominate Dr. Brice Arndt.

3 MR. ROUSE:

4 Is there a second?

5 MS. MURRAY:

6 Second.

7 MR. ROUSE:

8 Any discussion? Roll call.

9

10 Claggett, aye; Casey, aye; Arndt, aye;
11 Funari, aye; Groody, aye; Hughes, aye;
12 Jaspán, aye; Matta, aye; Mountain, aye;
13 Murray, aye; Sizemore, aye; Wyant, aye.

14 MR. ROUSE:

15 Any other nominations? Hearing none.

16 Is there a motion to vote Dr. Brice
17 Arndt as the interim chairperson for the
18 State Board of Dentistry?

19 DR. JASPAN:

20 So moved.

21 MR. ROUSE:

22 Is there a second?

23 MS. MURRAY:

24 Second.

25 MR. ROUSE:

1 Any discussion? Roll call.

2

3 Claggett, aye; Casey, aye; Arndt, aye;
4 Funari, aye; Groody, aye; Hughes, aye;
5 Jaspán, aye; Matta, aye; Mountain, aye;
6 Murray, aye; Sizemore, aye; Wyant, aye.

7 [The motion carried unanimously.]

8

9 [R. Ivan Lugo, D.M.D., M.B.A., commented that the
10 procedure for a nomination is not clear in the
11 handbook of the state or within the Board, which only
12 specifies secretary but does not specify the interim
13 chair position or a vice chair. He suggested having
14 Board discussions concerning procedures to bring the
15 Board to parity with other boards and for clarity.

16 Dr. Lugo thanked Chairman Casey for his service
17 to the Board.

18 Mr. Rouse offered to add the issue of the vice
19 chair position and procedures to the next Board meeting
20 agenda. He mentioned that elections would also be on
21 the next agenda.]

22

23 Adjournment

24 DR. JASPAN:

25

Motion to adjourn.

1 MS. MURRAY:

2 Second.

3 ***

4 [There being no further business, the State Board of
5 Dentistry Meeting adjourned at 2:24 p.m.]

6 ***

7 [A State Board of Dentistry Committee Meeting is
8 scheduled immediately following the regular Board
9 meeting.]

10 ***

11

12 CERTIFICATE

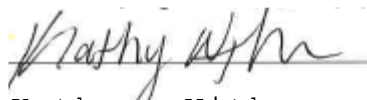
13

14 I hereby certify that the foregoing summary
15 minutes of the State Board of Dentistry meeting, was
16 reduced to writing by me or under my supervision, and
17 that the minutes accurately summarize the substance of
18 the State Board of Dentistry meeting.

19

20

21



22

Kathryn Witherow,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

26

STATE BOARD OF DENTISTRY
REFERENCE INDEX

September 9, 2022

	TIME	AGENDA
1		
2		
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4		
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6		
7		
8		
9	9:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:39	Official Call to Order
13		
14	10:39	Roll Call
15		
16	10:40	Introduction of Attendees
17		
18	10:44	Approval of Minutes
19		
20	10:45	Report of Prosecutorial Division
21		
22	11:31	Report of Board Counsel
23		
24	11:36	Executive Session
25	1:32	Return to Open Session
26		
27	1:33	Motions
28		
29	1:43	Report of Board Chairperson
30		
31	1:44	Report of Committees
32		
33	2:01	Review of Applications
34		
35	2:05	For the Board's Information/Discussion
36		
37	2:24	Adjournment
38		
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